



# RESEARCH REPORT

<b>Catalog number</b>	98009
<b>Date:</b>	October 15, 1998
<b>Subject:</b>	Critical Case Processing
<b>To:</b>	David Smith, County Administrative Officer
<b>From:</b>	Sandi Wilson, Deputy County Administrator Chris Bradley, Budget Manager
<b>Prepared By:</b>	Dan Paranick, Senior Budget Analyst Scott Mara, Budget Analyst

## EXECUTIVE SUMMARY

**Issue:** What should be done to most efficiently address the growing criminal caseload and reduce the current backlog of cases in the Maricopa County criminal justice system?

**Conclusions:** In working with system partners, the Office of Management and Budget concludes that the Early Disposition Court represents an effective method of processing lower level criminal cases and works to improve the overall efficiency of criminal case processing in the County's justice system. It is anticipated continued efforts to streamline drug related cases and other types of cases that can be processed in the EDC will assist in efforts to operate more efficiently and will offset the pressures placed on the system, and the staffing and funding needed as a result of continued growth. In addition, the EDC program is also an effective means of reducing detention related costs, saving jail beds, and maintaining the Average Length of Stay as recommended by the jail consultants and endorsed by the Citizens Advisory Committee on Jail Planning and the Board of Supervisors. The following table estimates the number of jail days being saved as a result of the EDC program.

Early Disposition Court Estimated Jail Days Savings With Expansion						
Description	w/Current EDC	w/ Downtown Expansion			With Southeast Expansion	
		Standard Process	Expedited Process	Total w/DT Expansion	Expedited Process	Total w/DT and Southeast Expan.
# of cases	10,728	2,800	7,928	10,728	10,728	10,728
% in custody	40%	40%	40%	40%	40%	40%
# of in-custody	4,000	1,120	3,171	4,291	4,291	4,291
# of jail days per offender	27	42	15	19	15	15
Total # of Jail Days	121,608	47,040	47,568	94,608	64,368	64,638
Total # of Jail Days Saved	58,622	0	0	85,622	0	115,592
Cost per Jail Day	\$36.75	\$36.75	\$36.75	\$36.75	\$36.75	\$36.75
\$ of Jail Days	\$4,469,094	\$1,728,720	\$1,728,720	\$3,476,844	\$2,365,524	\$2,375,447
<b>Total \$ of Jail Days Saved</b>	<b>\$2,154,373</b>			<b>\$3,146,623</b>		<b>\$4,248,021</b>
<b>Average Daily Census (Jail Beds Saved Per Day)</b>	<b>161</b>			<b>235</b>		<b>396</b>

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**Recommendations:** Following review of EDC under its current parameters and the proposal for expansion, the Office of Management and Budget recommends the following.

- An appropriation of \$523,474 for FY 1998/99 from General Fund Contingency for the start-up and operating costs associated with expanding the Early Disposition Court at the Downtown location to the effected justice system departments listed as summarized in the table below.
- An adjustment to the FY 1999/00 budget targets for the effected departments listed below to reflect the ongoing operational costs associated with expanding the Early Disposition Court at the Downtown location. The total annualized ongoing costs are \$684,622.
- An allocation of \$214,500 from the General Fund Appropriated Fund Balance to be reserved within the \$8,000,000 General Government Critical Infrastructure Projects budget for FY 1998/99 to fund the costs of building-out an additional courtroom and office space at the EDC's Downtown location.

Early Disposition Court Downtown Expansion Project OMB Recommendation FY 1998/99 Start-up and Operating Budget Allocation FY 1990/00 Ongoing Costs		
Department	FY 1998/99 (Start-up)	FY 1999/00 (Ongoing)
Adult Probation	\$ 42,906	\$ 58,359
Clerk of the Superior Court	62,033	75,049
County Attorney's Office	186,742	185,808
Public Defender's Office	119,997	146,451
Sheriff's Office	-	71,062
Superior Court	111,796	147,893
Total General Fund Contingency Appropriation	\$ 523,474	\$ 684,622
Courtroom Build-Out (Superior Court) (To be Reserved in Critical Infrastructure Budget)	\$ 214,500	\$ -
Recommended EDC Expansion Total	\$ 737,974	\$ 684,622

- That consideration be given to an additional allocation during FY 1998/99 from the General Government Critical Infrastructure Projects budget to fund the build-out costs associated with expanding the Early Disposition Court to the Southeast Valley site once the build-out costs are finalized.
- That the performance measures identified in this report are tracked, monitored, analyzed, and reported back to the Board of Supervisors following sixth months of expanded EDC operations.

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## **RESEARCH REPORT**

### **Issue**

What should be done to most efficiently address the growing criminal caseload and reduce the current backlog of cases in the Maricopa County criminal justice system?

### **Background**

Maricopa County Justice and Law Enforcement Agencies are required by various federal and state mandates to conduct the duties commensurate with the administration of justice. The County justice system continues to be challenged by rapid growth. Over the past several years, federal, state and local resources have been directed toward putting more police officers in local communities and providing for more federal and state prisons. The “get tough on crime policies” and the increased number of officers hired by local municipalities have lead to a significant workload increase for the County system.

As a result, the Courts and the balance of the system are faced with a growing backlog of cases, which slow the system and increase the average time that it takes to dispose of a case. Ultimately, these delays increase the time that defendants spend in the system and increases the length of time that in-custody defendants remain in County funded detention facilities. As reported by the Citizens Advisory Committee on Jail Planning and endorsed by the Board of Supervisors, one of the principal recommendations of the consulting team which evaluated the system is to pursue efforts that maintain or reduce the average length of stay (ALOS) in County detention facilities. In order to achieve that objective it was recommended that the County pursue programs, which improve system processes and decrease court-processing times. Improving such processes will allow the County to more effectively plan for the expected increased growth and save taxpayer dollars.

While system partners continually pursue programs which increase efficiencies, funding streams associated with increasing mandates placed on the County have not kept pace with growth. In an effort to secure resources to address system-wide growth, the Arizona Supreme Court and the Administrative Office of the Courts developed the “Fill-the-Gap” program. The objective of “Fill-the-Gap”, HB 2236, was to provide relief for those public safety functions that occur between the time of arrest and the transfer of the convicted offender to the state prison system, primarily those responsibilities carried out by County government. Many of the County criminal justice system partners were anticipating using funding provided through HB 2236 to relieve growth related pressures placed on the system and to address case backlog issues. While gaining some support, HB 2236 provided approximately \$350,000 to fund efficiency studies throughout Arizona counties, falling well short of the funding levels originally proposed. Ultimately, Maricopa County did not receive any of the anticipated funding.

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In response, County leaders convened in an effort to identify system initiatives that would most effectively and efficiently address the increasing workloads and pending case backlog. In order to maintain consistency with current County policy, focus was directed toward enhancing the processing of criminal cases. It was agreed that consideration be given to adding Criminal Department Special Assignment Divisions and expanding the Early Disposition Court (formerly known as the Expedited Drug Court). As a result of continuous budget increases for criminal justice departments, the County Administrator and the Office of Management and Budget emphasized the importance of developing and monitoring system-wide outcome measures which will assist management in identifying success and progress made toward achieving a more efficient criminal justice system.

Taking direction from County leadership, working groups were established to develop the projects and the associated system-wide costs. The working groups included participants from Adult Probation, the Clerk of the Court, the County Attorney's Office, the Public Defender's Office, the Legal Defender's Office, the Superior Court, and the Sheriff's Office. The following provides a review of the proposal to expand the Early Disposition Court, programming options and planning developed by the working groups, system-wide costs associated with the efforts, performance measures, and OMB's conclusions and recommendations related to the workings groups requests and proposal.

While the following proposal addresses the programming associated with expansion of the Early Disposition Court, OMB will continue to work with the Superior Court and other system partners on the need for additional Superior Court Divisions. Recommendations on this issue are expected for the 1999/00 budget preparation process.

## **Discussion**

The Early Disposition Court (EDC) began operations in November 1997. The EDC was designed as an innovative court process that places minor felony drug cases on a Superior Court Commissioner's calendar before the cases are filed in Justice Court. The defendant, upon appearing at the Court, is afforded the opportunity to proceed from initial appearance to sentencing in one day, substantially reducing the standard felony case processing time. Ultimately, this program diverts a substantial workload from the Justice Courts to an expedited Superior Court process. As a result, the workload is significantly reduced in the affected Justice Courts and the expedited Superior Court process reduces the length to disposition that results in benefits to the criminal justice system and to the defendants.

The goal of the EDC is to give offenders the tools to facilitate drug free lives, while achieving significant system-wide cost savings by streamlining victimless drug cases in to the expedite process. Objectives of the effort include:

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- Identifying drug possession cases that meet certain criteria early in the process;
- Refining the screening process for case diversion;
- Filing non-diversion cases in Superior Court as direct complaints, set for hearing within 10 days of initial appearance;
- Consolidating the activities for these cases in one location;
- Providing a forum for prosecution, defense, probation and the Treatment Assessment Screening Center (TASC) to meet with defendants early in the process and explore the appropriateness for early pleas with EDC as a term of probation and negotiate;
- Reducing the number of plea withdrawals; and
- Setting all court hearings from preliminary hearing through sentencing handled by a Superior Court Commissioner, combining pleas and sentencing and setting for EDC and entry into drug treatment.

**Diverting such cases into an expedited Superior Court allows the system to more efficiently process these types of cases. Under the standard court processing timelines, it is estimated that a case takes between one hundred and twenty (120) to one hundred and thirty (130) days to dispose. In addition, the current delays in the system may cause this type of case to take longer to be disposed. The EDC process reduces the disposition timeline for these types of cases to between twelve (12) and thirty-eight (38) days. A sample taken by the Court indicates that it is currently taking an average of 15.9 days to dispose of the cases in the EDC process, a significant reduction over the standard processing timelines. The decrease in the number of days between the initial appearance setting and the time of sentencing is significantly reduced. This results in a more efficient handling of these cases and relieves processing delays and pressures on the balance of the cases handled by the Courts and the justice system.**

### Caseload

Currently, the caseload handled by the existing EDC is generated from drug cases that are diverted from the Justice Court jurisdictions within the City of Phoenix. These cases originate with arrests made by the Phoenix Police Department. These cases were chosen because of Phoenix's ability to process the necessary laboratory tests that are needed prior to the review by the County Attorney's Office. In order to process the cases in the expedited manner there must be a quick turn-around on the lab analysis and the City of Phoenix currently has the capability. However, as a result of using new techniques, tested through a City of Glendale pilot project, the County Attorney's Office in cooperation with local cities and towns have identified an alternative method of conducting the analysis. As a result, cases originating in other jurisdictions throughout the County will be able to be processed in the EDC setting.

The goals of the current effort is to divert more drug related cases from other jurisdictions beyond the City of Phoenix, to begin to capture other types of cases within

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the system that can be processed in the expedited manner and to begin for possible expansion of the program to an East Valley location.

The following chart identifies the number of cases scheduled at the initial appearance court to be placed on the Early Disposition Court calendar, the number of cases filed in EDC, identifies the projected number of cases in the current setting, and projects the number of cases that will be set for preliminary hearings and filed as a result of the expanded EDC at the Downtown location. Also included, is the projected number of cases that could be diverted through an expansion of the EDC concept to the Southeast Valley location.

<b>Early Disposition Court 1998 YTD and Projected Caseload w/ Expansion</b>										
<b>Location/Description</b>	<b>Current EDC</b>								<b>Expanded EDC</b>	
	<b>Jan-98</b>	<b>Feb-98</b>	<b>Mar-98</b>	<b>Apr-98</b>	<b>May-98</b>	<b>Jun-98</b>	<b>1998 Total YTD</b>	<b>1998 Projected Total</b>	<b>Projected Additional Cases***</b>	<b>Projected Total W/Expansion</b>
Downtown EDC*										
Prelimes Set at IA for EDC*	297	462	465	438	569	483	2,714	5,428	2,500	7,928
Cases Filed**	309	285	405	380	374	336	2,089	4,178	1,925	6,103
Southeast Valley EDC										
Prelimes Set at IA for EDC	0	0	0	0	0	0	0	0	2,800	2,800
Cases Filed	0	0	0	0	0	0	0	0	2,156	2,156
<b>Total Prelimes Set at IA</b>	<b>297</b>	<b>462</b>	<b>465</b>	<b>438</b>	<b>569</b>	<b>483</b>	<b>2,714</b>	<b>5,428</b>	<b>5,300</b>	<b>10,728</b>
<b>Total Cases Filed</b>	<b>309</b>	<b>285</b>	<b>405</b>	<b>380</b>	<b>374</b>	<b>336</b>	<b>2,089</b>	<b>4,178</b>	<b>4,081</b>	<b>8,259</b>
* Number of Cases scheduled at Initial Appearance Court scheduled for Early Disposition Court Calendar ** Cases Initiated by summons, warrant, and Justice Court Transfers: could include include defendant's IA's prior to this time period. *** Additional Cases includes projections passed on Drug Related Cases from various Jurisdictions in the Downtown Area and the East Valley Also includes 500 welfare fraud cases that will be diverted to EDC.										

Through the first six months of calendar year 1998, 2,714 cases have been set for at the defendants initial appearance for the EDC and 2,089 cases have been filed. Under its current parameters, projections indicated that approximated 5,428 preliminary hearings will be set for the EDC and 4,178 cases filed during 1998. Considering the total number of cases submitted and filed in other jurisdictions throughout the County, along with the new ability to file on these cases, projections indicated that an additional 2,500 cases (1,925 filings) can be captured in an expanded EDC setting at the Downtown location and an additional 2,800 cases (2,156 filings) could be processed at a Southeast Valley location. In total, the caseload for possible expansion at the Downtown location is estimated at 7,928 and 2,800 for expansion to the Southeast Valley site. The total number of cases Countywide that could be captured in the EDC setting is projected at 10,728, approximately 5,300 more than is currently being processed.

Based on these projections, the following plan for expansion has been suggested by OMB, the working group and justice system staff.

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- Expanding case capacity and providing staffing resources needed to expand the downtown location by 2,500 caseload. This plan calls for the addition of a half-time commissioner and corresponding staffing for system partners. It also includes plans to build-out another courtroom and associated office space at the Downtown location.
- Once the build-out is complete, and if the future caseload justifies further expansion, consideration will be given to expanding staffing needs at the Downtown location.
- In addition to the proposal, suggest expanding the EDC concept to the East Valley and that consideration be given to funding staffing needs associated with a 2,800 case workload at that site. Associated costs and staffing needs for this site will be developed further and considered once the Southeast build-out is underway. A recommendation for funding the build-out for the Southeast site is expected during FY 1998/99. Staffing costs associated with expansion to the Southeast site are expected to be considered during the 1999/00 budget preparation process.

### COST AVOIDANCE

The expedited process developed by the current and expanded Early Disposition Court result in considerable benefits to the criminal justice system. While difficult to measure the direct saving and benefits to realized by the EDC program, the following outlines the potential cost savings and benefits, including:

- direct cost savings to the Superior Court, the prosecuting and defense attorney's offices, and the participating drug offenders by reducing the number of hearings and travel involved in process cases in the standard process;
- reducing the number of jail days required and the associated detention costs;
- reducing the number of presentence reports required allowing officers to spend more time supervising the offenders and preparing other presentence reports;
- increasing the likelihood that drug treatment will be more effective;
- affording the opportunity for early treatment;
- reducing time spent traveling to and in court for police officers (In May of 1998, 370 were filed in the EDC and less than 15 officers had to actually make a court appearance);
- reducing court appearances and time lost at work for offenders; and
- an increased likelihood of success for the offender as a result of early intervention.

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As mentioned, one of the primary goals of the EDC is to reduce the total number of jail days. The following table depicts the estimated cost avoidance being realized as a result of the current EDC process. Considering that a total of 5,428 cases are currently being diverted to the EDC, it is estimated that \$2,154,373 is currently being avoided as a result of this program. Perhaps more importantly, it is also estimated that the EDC program, under its current parameters is saving the County 161 jail beds per day.

Early Disposition Court Estimated Jail Day Saving With Current EDC Setting				
Description	Prior to EDC	With Current EDC		Total
	Standard Process	Standard Process	Expedited Process	
# of cases	10,728	5,300	5,428	10,728
% in custody	40%	40%	40%	40%
# of in-custody	4,291	2,120	2,171	4,000
# of jail days per offender	42	42	15	29
Total # of Jail Days	180,230	89,040	32,568	121,608
Total # of Jail Days Saved	0			58,622
Cost per Jail Day	\$36.75	\$36.75	\$36.75	\$36.75
\$ of Jail Days	\$6,623,467	\$3,272,220	\$1,196,874	\$4,469,094
<b>Total \$ of Jail Days Saved</b>	<b>\$0</b>			<b>\$2,154,373</b>
<b>Average Daily Census (Jail Beds Saved Per Day)</b>	<b>0</b>			<b>161</b>

In addition, the following table depicts the estimated additional cost avoidance that could be realized by expanding the EDC at the Downtown site and into the Southeast Valley. By diverting an additional 2,500 cases, as suggested by this proposal, into the Downtown process it is estimated that an additional \$992,250 will be avoided. Assuming the \$2,154,373 avoidance already being realized as a result of the EDC program, total estimated avoidance as a result of expanding to the Downtown location is estimated at \$3,146,623.

Further expansion of the EDC program to the Southeast Valley, which will allow an additional 2,800 cases to be captured in the EDC process, results in an additional estimated cost avoidance of \$1,101,398. Assuming the avoidance being realized in the current setting, along with expansion at the Downtown and Southeast locations, total cost avoidance for the EDC program is estimated at \$4,248,021.



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Early Disposition Court Estimated Jail Days Savings With Expansion						
Description	w/Current EDC	w/ Downtown Expansion			With Southeast Expansion	
		Standard Process	Expedited Process	Total w/DT Expansion	Expedited Process	Total w/DT and Southeast Expan.
# of cases	10,728	2,800	7,928	10,728	10,728	10,728
% in custody	40%	40%	40%	40%	40%	40%
# of in-custody	4,000	1,120	3,171	4,291	4,291	4,291
# of jail days per offender	27	42	15	19	15	15
Total # of Jail Days	121,608	47,040	47,568	94,608	64,368	64,638
Total # of Jail Days Saved	58,622	0	0	85,622	0	115,592
Cost per Jail Day	\$36.75	\$36.75	\$36.75	\$36.75	\$36.75	\$36.75
\$ of Jail Days	\$4,469,094	\$1,728,720	\$1,728,720	\$3,476,844	\$2,365,524	\$2,375,447
<b>Total \$ of Jail Days Saved</b>	<b>\$2,154,373</b>			<b>\$3,146,623</b>		<b>\$4,248,021</b>
<b>Average Daily Census (Jail Beds Saved Per Day)</b>	<b>161</b>			<b>235</b>		<b>396</b>

It is also estimated that expansion of the downtown site will increase the jail bed saving per day by 74, bringing the total beds saved per day to 235. Expansion to include the Southeast Valley cases will increase the jail bed savings by an additional 161 beds. Total jail bed savings per day, once all of these cases are diverted into the expedited process, is estimated at 396.

### COST IMPACT

The following costs are based on expanding the EDC at the downtown location to process an estimated 7,928 cases, 2,500 more than is currently being handled. The following tables outline the departments requests for expanding the early disposition court, OMB's recommendation, and the annualized impact of OMB's recommendation. Also identified are why OMB's recommendation may differ from the departments requests.

Upon start-up of the initial EDC program many of the justice departments allocated staff within existing funding levels. Since that time it has been demonstrated that the departments have been able to effectively absorb these additional costs while dedicating staff to the EDC program. The following funding recommendations include providing for additional staff to increase the caseload at the downtown location by an additional 2,500 cases. The projected caseload increase represents an approximate workload increase of 50% for the participating departments. As a result, the following recommendations represent an increase of approximately 50% over resources currently dedicated to the EDC.

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<b>Adult Probation Department</b>	Current Status (Estimated)	Expansion Request	Recommended (FY 1998/99)	Recommended Ongoing (FY 1999/00)
Start-up costs/Capital	\$ 5,200	\$ 4,000	\$ 4,000	\$ -
Salaries/benefits	64,084	58,359	38,906	58,359
Supplies/services	800	-	-	-
Subtotal	\$ 64,884	\$ 58,359	\$ 38,906	\$ 58,359
Total	\$ 70,084	\$ 62,359	\$ 42,906	\$ 58,359

- Recommended staffing for Adult Probation includes funding for an additional Judicial Services Administrator and an additional Administrative Coordinator.
- In addition, the Adult Probation department will dedicate an additional Probation Officer to the EDC. This position will be reallocated within the department's existing funding levels.

<b>Clerk of the Superior Court</b>	Current Status (Estimated)	Expansion Request	Recommended (FY 1998/99)	Recommended Ongoing (FY 1999/00)
Start-up costs/Capital	\$ 16,000	\$ 12,000	\$ 12,000	\$ -
Salaries/benefits	105,039	72,049	48,033	72,049
Supplies/services	4,000	3,000	2,000	3,000
Subtotal	\$ 109,039	\$ 75,049	\$ 50,033	\$ 75,049
Total	\$ 125,039	\$ 87,049	\$ 62,033	\$ 75,049

- Recommended funding is for the addition of one Courtroom Clerk, one on-site Processing Clerk, and one Processing Clerk for general workload increases.

<b>County Attorney's Office</b>	Current Status (Estimated)	Expansion Request	Recommended (FY 1998/99)	Recommended Ongoing (FY 1999/00)
Start-up costs/Capital	\$ 97,510	\$ 62,870	\$ 62,870	\$ -
Salaries/benefits	250,728	183,036	122,024	183,036
Supplies/services	26,334	2,772	1,848	2,772
Subtotal	\$ 277,062	\$ 185,808	\$ 123,872	\$ 185,808
Total	\$ 374,572	\$ 248,678	\$ 186,742	\$ 185,808

- OMB has recommended that funding be provided for the addition of one Attorney position, four Legal Secretary positions, and one Administrative Assistant.

<b>Public Defender's Office</b>	Current Status (Estimated)	Expansion Request	Recommended (FY 1998/99)	Recommended Ongoing (FY 1999/00)
Start-up costs/Capital	\$ 19,490	\$ 18,630	\$ 18,630	\$ -
Salaries/benefits	117,897	134,018	89,345	134,018
Supplies/services	16,280	18,033	12,022	12,433
Subtotal	\$ 134,177	\$ 152,051	\$ 101,367	\$ 146,451
Total	\$ 153,667	\$ 170,681	\$ 119,997	\$ 146,451

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- The recommendation includes funding for two additional Attorney positions and a half-time Legal Secretary position.

<b>Legal Defender's Office</b>	Current Status (Estimated)	Expansion Request	Recommended (FY 1998/99)	Recommended Ongoing (FY 1999/00)
Start-up costs/Capital	\$ -	\$ -	\$ -	\$ -
Salaries/benefits	117,897	-	-	-
Supplies/services	16,280	-	-	-
Subtotal	\$ 134,177	\$ -	\$ -	
Total	\$ 134,177	\$ -	\$ -	\$ -

- While the Legal Defender's Office currently has staff dedicated to the EDC and will continue to be involved in this project, the Public Defender's Office will be taking on the additional workload generated by the expansion. As a result, OMB has recommended that the Public Defender's Office be funded for an additional Attorney's position that would have been dedicated to the Legal Defender's Office.

<b>Sheriff's Office</b>	Current Status (Estimated)	Expansion Request	Recommended (FY 1998/99)	Recommended Ongoing (FY 1999/00)
Start-up costs/Capital	\$ 5,760	\$ 5,760	\$ -	\$ 5,760
Salaries/benefits	67,472	65,302	-	65,302
Supplies/services	-	-	-	-
Subtotal	\$ 67,472	\$ 65,302	\$ -	\$ 65,302
Total	\$ 73,232	\$ 71,062	\$ -	\$ 71,062

- OMB recommends the addition of two positions for the EDC expansion for **FY 1999/00**. These positions will be phased in as the EDC continues to expand and the demands on the Sheriff's Office Security and Transport Division increase.

<b>Superior Court</b>	Current Status (Estimated)	Expansion Request	Recommended (FY 1998/99)	Recommended Ongoing (FY 1999/00)
Start-up costs/Capital	\$ -	\$ 15,200	\$ 15,200	\$ -
Law Library Build-out	211,000	214,500	214,500	-
Subtotal	211,000	229,700	229,700	
Salaries/benefits	65,000	96,596	96,596	147,893
Supplies/services	1,250	-	-	-
Subtotal	66,250	96,596	96,596	147,893
Total	\$ 277,250	\$ 326,296	\$ 326,296	\$ 147,893

- Recommended funding for a half-time Superior Court Commissioner, one Judicial Assistant, one and one-half Court Information Processors, and contract Court Reporting services.

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<i>Project Totals</i>	<b>Current Status (Estimated)</b>	<b>Expansion Request</b>	<b>Recommended (FY 1998/99)</b>	<b>Recommended Ongoing (FY 1999/00)</b>
<b>Start-Up/Capital</b>	\$ 143,960	\$ 118,460	\$ 112,700	\$ 5,760
<b>Courtroom Buildout</b>	211,000	214,500	214,500	-
<b>Subtotal Start-Up</b>	\$ 354,960	\$ 332,960	\$ 327,200	\$ 5,760
<b>Total Salary/benefits</b>	788,117	609,360	394,904	660,657
<b>Total Supplies/Services</b>		23,805	15,870	18,205
<b>Subtotal On-Going</b>	\$ 853,061	\$ 633,165	\$ 410,774	\$ 678,862
<b>Total Start-up and Ongoing costs</b>	\$ 1,208,021	\$ 966,125	\$ 737,974	\$ 684,622

The total recommended system-wide cost of expanding the EDC at the Downtown location by 2,500 cases for FY 1998/99 is \$737,974. Start-up and build-out costs total \$332,960, with operating costs totaling \$410,774 for the remainder of the current fiscal year beginning in November. The ongoing or annualized total of the recommendation is \$684,622. **In total, this proposal recommends the addition of 18.5 new staffing positions to the criminal justice system**

### PERFORMANCE MEASURES

As more taxpayer dollars are used to fund the County criminal justice system, it is critical to identify that these dollars are being directed to the most efficient programs and initiatives. The Early Disposition Court represents a program where a significant investment has been made to meet the goal of developing a more efficiently operating system.

One of the major focuses of this effort has been to begin to measure both direct and indirect savings realized by programs such as the EDC. In response, OMB and the working group have compiled and developed a list of measurable outcomes that will allow system partners to begin to identify where system efficiencies are being realized. Most of the measures identified are system-wide measures. As previously mentioned, it is expected that programs such as the EDC will have an increasingly positive impact on processing cases on the balance of the system.

The measures developed by the working group are intended as the starting point of measuring the results of the County's Justice system. It is expected that these measures, and associated measures, will continue to be enhanced and refined as the justice system moves toward improved data collections and reporting efforts. While the working group identified a considerable list of potential items to measure, as a first step in moving toward providing measurement based data, the group narrowed the scope to a list of measurements that were most meaningful in representing the possible impact of the EDC.

The following table lists the identified outcome measure, the data element(s) of the measure, the baseline of the measure (where the County is now), any possible goals of the EDC if stated, and the primary department responsible for collecting the data.

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Early Disposition Court Performance Measures					
Outcome Measure	Data Element	Baseline Data	Goal	Data Collector	Report
<b>1 Reduction in Case Age at Disposition</b>	# of days from filing of case to disposition (sentencing) at specifically defined intervals; 90%tile	25%ile: 57days 50%ile: 172 days 75%ile: 172 days 90%ile: 266 days 99%ile: 597 days (2nd Qtr. 98)	Reduction of time to disposition at all identified intervals to no more than 20-days for EDC-eligible drug related offenses (goal needs further clarification)	Superior Court	Time to termination for 6-months of cases
<b>2 Reduction in Long-Form Presentence Reports</b>	# of long form PSI's ordered	5,179 Long Form Reports Ordered (Jan. 98 - June 98)	Reduction in number of long form PSI reports generated for EDC cases	Adult Probation Department	The number of PSI reports ordered over a 6-month period
<b>3 Increase Early-Diversion to Drug-Treatment</b>	# of cases referred to TASC # of cases successfully completing task	63.5 days from arrest to 1st TASC contact; 235 days to successful completion of TASC (1997 POM case sample, prior to EDC)	Decrease time to referral to TASC; Increase the number of defendants entering and successfully completing the TASC treatment program.	County Attorney's Office	# of EDC eligible defendants entering TASC diversion/Treatment program in 6 months. And the numbers of EDC eligible defendants successfully completing TASC diversion/treatment program in 12 months.
<b>4 Reduction of In-Custody Transports to Justice Courts</b>	# of in-custody transports	Ttl. Trans: 49,614, Sup Crt Trans: 38,553, Jst Crt Trans: 10,946, Con City Trans: 115 (Jan-June 1998)	Reduction of in-custody transports by 1,000	Sheriff's Office	# of in-custody transports in 6 months
<b>5 Reduction in Jail-Days</b>	# of Jail Days Saved	161 Days Saved Per Day (June, 1998)	Reduction in Jail Days	Adult Probation Department	# of Jail Days Saved in 6 months

The following provides a brief description of each measure and how the EDC process is expected to improve justice system operations.

- **Reduction in Case Age at Disposition:** One of the major goals of the justice system is to reduce the amount of time that it takes to resolve a case. The EDC is expected to have a positive impact, as it diverts a significant number of lower level types of cases into an expedited process. This should result in an overall system-wide reduction in the time that it takes to resolve all criminal cases. Staff saving and avoidance is expected to be realized by the system partners. It is also expected that the EDC will have a positive effect on speeding up cases and will allow the system to provide better service to the public. EDC cases are directed to the program from Initial Appearance Court within 24 hours after arrest. The cases are resolved in "one stop" and eliminate multiple hearings and resolves cases at the earliest possible point.

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- **Reduction in Long Form Presentence Reports:** The EDC process eliminates the need for the long form presentence reports that are required as part of the standard case processing process. Overall, following implementation and expansion of the EDC, there is expected to be a reduced number of the long form reports that will need to be developed by the Adult Probation Department. This is expected to result in saving of staff time and workload for the Adult Probation Department. The reduction over a 6-month period as a result of the new process available through EDC will have a cost avoidance effect for the Adult Probation Department. These cases, were it not for EDC, would have followed the traditional track through final disposition requiring a long form PSI report prior to sentencing.
- **Increase Early Diversion to Drug Treatment:** One of the major goals of the EDC program is to improve treatment options for the defendants and to get the defendant to treatment early. The EDC process and the TASC function performed by the County Attorney's Office should allow for early and more effective options for drug treatment. The EDC is multi-faceted. It is predicated in early intervention and early involvement in the treatment process. The sooner the system is able to get the drug addicted defendants to consequences the sooner the system is able to correct or help them resolve the substance abuse problem, increasing the chances for successful completion of a drug treatment program and heightens the probability of maintaining a drug free lifestyle.
- **Reduction of in-custody transports to Justice Courts:** Consolidating these types of cases to a central location is expected to reduce the number of transports by the Sheriff's Office. Instead of transporting the in-custody defendants to numerous Justice Court locations throughout the County, the EDC at the Downtown location allows the Sheriff's Office to transport multiple defendants to one location and significantly reduces the travel time and staffing needs associated with transport to the outlying Justice Courts.
- **Reduction in Number of Jail Days:** As previously mentioned and identified, the EDC process reduces the number of jail days system-wide.

The Courts and system partners will continue to track performance and develop system-wide and program goals and measures related to the EDC project. It is also anticipated that those departments receiving funding will report the direction that the system is moving to become more efficient and responsive to customer needs. It is OMB's intent to begin having this type of information reported to management, the Board of Supervisors, and the citizenry so that the County can continue to identify those areas where system-wide efficiencies have been gained.

## Conclusions

In working with system partners, OMB concludes that the Early Disposition Court represents an effective method of processing lower level criminal cases and works to

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improve the overall efficiency of criminal case processing in the County's justice system. While many of the indirect cost benefits of this program are difficult to measure, it seems clear that this effort works toward improving case processing timelines and reducing the associated staffing needs in the system. It is anticipated continued efforts to streamline drug related cases and other types of cases that can be processed in the EDC will assist in efforts to operate more efficiently and will offset the system-wide pressures placed on the system and the staffing and funding needed as a result of continued growth. This project should also assist the Court and the system in its effort to reduce the current bottlenecks and backlogs in the criminal arena.

In addition the EDC program is also an **effective means of reducing detention related costs, saving jail beds, and maintaining the Average Length of Stay** as recommended by the jail consultants and endorsed by the Citizens Advisory Committee on Jail Planning and the Board of Supervisors.

## Recommendations

OMB recommends the following:

- **An appropriation of \$523,474 for FY 1998/99 from General Fund Contingency for the start-up and operating costs associated with expanding the Early Disposition Court at the Downtown location to the effected justice system departments listed in the table below.**
- **An adjustment to the FY 1999/00 budget targets for the effected departments listed below to reflect the ongoing operational costs associated with expanding the Early Disposition Court at the Downtown location. The total annualized ongoing costs are \$684,622.**
- **An allocation of \$214,500 from the General Fund Appropriated Fund Balance to be reserved within the \$8,000,000 General Government Critical Infrastructure Projects budget for FY 1998/99 to fund the costs of building-out an additional courtroom and office space at the EDC's Downtown location.**

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<b>Early Disposition Court Downtown Expansion Project</b> <b>OMB Recommendation</b> <b>FY 1998/99 Start-up and Operating Budget Allocation</b> <b>FY 1990/00 Ongoing Costs</b>		
<b>Department</b>	<b>FY 1998/99 (Start-up)</b>	<b>FY 1999/00 (Ongoing)</b>
<b>Adult Probation</b>	<b>\$ 42,906</b>	<b>\$ 58,359</b>
<b>Clerk of the Superior Court</b>	<b>62,033</b>	<b>75,049</b>
<b>County Attorney's Office</b>	<b>186,742</b>	<b>185,808</b>
<b>Public Defender's Office</b>	<b>119,997</b>	<b>146,451</b>
<b>Sheriff's Office</b>	<b>-</b>	<b>71,062</b>
<b>Superior Court</b>	<b>111,796</b>	<b>147,893</b>
<b>Total General Fund Contingency Appropriation</b>	<b>\$ 523,474</b>	<b>\$ 684,622</b>
<b>Courtroom Build-Out (Superior Court)</b> (To be Reserved in Critical Infrastructure Budget)	<b>\$ 214,500</b>	<b>\$ -</b>
<b>Recommended EDC Expansion Total</b>	<b>\$ 737,974</b>	<b>\$ 684,622</b>

- That consideration be given to an additional allocation during FY 1998/99 from the General Government Critical Infrastructure Projects budget to fund the build-out costs associated with expanding the Early Disposition Court to the Southeast Valley site once the build-out costs are finalized.
- That the performance measures identified in this report are tracked, monitored, analyzed, and reported back to the Board of Supervisors following sixth months of expanded EDC operations.

Early Disposition Court Working Group:

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Bob Briney, Legal Defender's Office  
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Trina Belanger, Justice System Coordination  
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